

The attached pages offer perspectives on SB185, replacement of the death penalty. These pages may help you understand the issue better.

Page one quotes three victim/survivors in their struggles to live after the crime. These three speak of God's part in their recovery.

Page two offers remarks on what a life sentence means to prisoners doing life sentences. This is a perspective we rarely hear.

Page three (actually two pages long) quotes victim/survivors' thoughts on their experiences with the criminal justice system. These experiences were not generally positive.

The final page is a compilation of victim/survivor conclusions about horrific crimes and restorative justice. Unlike our retributive justice, restorative justice needs the victim/survivors, the perpetrator, and a justice system that helps everyone involved. In these cases, execution makes restorative justice impossible.

Bob Filipovich 449 6039 bob.filipovich@live.com 927 8th Ave. Helena 59601 Feb. 17 2011

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SB 185 would replace Montana's death penalty with a prison sentence of life without possibility of parole. In the 2009 session, some testimony presented ideas about God and/or the Bible; since there were church representatives on opposite sides of the issue, this part of the discussion was inconclusive.

Presented below is a sample of three victim/survivors' remarks about the role of God in their experience of horrific crimes and the aftermath. Their remarks are the voices of experience. By reading the three voices below, one can begin to understand the variety of religious experiences that victim/survivors have had. The source: "Transcending: Reflections of Crime Victims" by Dr. Howard Zehr (2001). I have indexed this book and would be happy to send you all the quotations from all the interviewees who mentioned "God", the "Bible" or other close synonyms. By reading them all, preferably in context, one can begin to understand what SB 185 means to victim/survivors. By reading these three voices, one gets a sense of beginning to understand.

"My ex-husband Tom had chosen not to see Jennifer and David at all from January to September, 1994. Then in September, out of the blue, he started wanting to be part of their lives. Something changed, and I thought it was positive. Christmas Eve day he picked them up, and he was probably in the best mood I had ever seen him be in. The next morning we found that he had stabbed Jen and Dave, then killed himself. Little did I know, until after it all happened, that he had an actual checklist of everything he needed to do. The last item was to kill Jennifer and David. He thought David was the devil and Jennifer was an angel. We found out later that he thought he was God and that he was doing some kind of wonderful thing by saving them from this life." p 8. Lynn Shiner

"If we want our children to be followers of uprightness, to believe in God and doing the right thing, then we have to give up hating. I have to be able to say that I can forgive. I wouldn't let the guy {who murdered his son in prison} out of prison, but I don't hate him. . . . Without the Lord I would not have been able to make it through. Everyone once in awhile I have to have some time alone to talk to the Lord about what has occurred here. And sometimes I cry about this. Some people think there's a weakness in a man that cries. But if I don't cry, it'll build up inside of me. I have to get it off. And I talk to the Lord. Sometimes it doesn't do any good to talk to man because man bounces things right back on you." p 18. Donald Vaughn, Superintendent of the prison where his son, a new prisoner, was killed.

"You know you're supposed to learn something from this. Who knows where that voice comes from? Is that God? Is it Jennifer and Sarah? {both were murdered, along with two other girls} Is it your mother? Okay, what is it? You try so hard to put this in order, to make sense of it, and it won't let you. It's not sensible. I don't think life is nearly as philosophical as we would like to believe it is. I felt very close to God when the girls died. I felt that I gave them back to God. I didn't say I wasn't pissed! Those aren't mutually exclusive. I was able to scream at God, 'Why in the hell did you have to take both of them?' I got over it . . . the blessing is that I don't have to look at {only} one of those lonely faces. So I felt that I gave them {both} back to God." p 22-23. Barbara Ayres

What do prisoners serving life sentences think of their condition? SB 185, which would replace Montana's death penalty with a life without possibility of parole, raises questions about the nature of a life sentence. Dr. Howard Zehr's "Doing Life: Reflections of Men and Women Serving Life Sentences" (1996) is a collection of edited interviews of these people. What follows here is a sample of the fifty-eight lifers interviewed; these excerpts deal with their responses to the realization that they are spending the rest of their lives in prison.

"I've been incarcerated 24 years. When I came here {prison}, I was a ninth-grade dropout. Then I came across some older lifers. . . They said, 'Here's a little something for you to read.' I said, 'Okay' . . . I saw they were serious. . . The book was Viktor Frankl's "Man's Search for Meaning." . . . "A life sentence is like an insect encased in amber. Amber at one point is a fluid. As it is exposed to air, it becomes more viscous. Sometimes insects may get trapped in it. As it hardens, you see the insect's movements become slower. When it solidifies, he's just there. Thank God I have been able to move enough to keep the liquid around me from solidifying." pp 11-12 Irvin Moore

"I've been in just two years. The first year was real struggle just trying to adjust. I was overwhelmed. Then I went through a period of extreme withdrawal. Then some of the bitterness and anger started coming out. . . I think it's very hard for my friends on the outside. In the beginning, I was very dependent on them and was letting out a lot of pain about what was happening in here. . . I know there's nothing they can do. . . Through my crime I hurt enough people. I don't want to hurt people in any way. . . A life sentence is a vacuum. Everything is trying to be sucked out of me, leaving me with nothing. I know I have to fight that. I have to create a whole world within myself . . ." pp 12- 13 Gaye Morley

"You're taken out of society, and you're thrust into an artificial community where someone decides what you do all day long and what you can't do. Someone decides when it's time for you to eat. . . It's like falling out of an airplane. You've lost all control of your life. You make no decisions anymore. Gravity has taken over something beyond your control, and you just wake up and go to sleep. . . Just iron and concrete. . . What scares me now is that all I dream about now are penitentiary things. It's like that other chapter is closed." Pp 16-17. Julius Schulman

"It's like nothing to hold on to. Like being in total darkness and you don't know whether the light is going to shine through. " p 28 Yvonne Cloud

"A life sentence means that, in effect, you're dead. It's just another form of a death sentence. Instead of having the gall to do it in one fell swoop, you die one day at a time." P 44 Thomas Martin

"Waking up not knowing what the next day will be like, whether you could be in a riot or get hurt, is scary. But the real dread is of losing your family, your loved ones." P 57 Kevin Miles

Bob Filipovich 927 8th Ave. Helena, MT 59601 449 6039 bob.filipovich@live.com Feb. 1, 2011

Among the problems SB185 brings forward is the dissatisfaction that many victim/survivors experience with 'the system' after a horrific crime. Here are the words of some of these victim/survivors excerpted from Dr. Howard Zehr's book of interviews entitled "Transcending: Reflections of Crime Victims" (2001). Dr. Zehr is active in Restorative Justice efforts in Canada, the USA, and around the world.

"You don't know how strong your faith is until it's really tested. . . . My husband was a campus minister. . . . January 28, 1997. I heard a loud noise and looked out the window . . . I saw my husband's car and realized it was him. . . . In April, 2000, an arrest was made in my husband's case. A young man (with a pretty big record) who lived down the street from us was arrested. He was 16 back in January of 1997. He told a few social workers . . . that he himself shot the minister. . . . October 2nd he was convicted. . . . In Pennsylvania that is life without chance of parole. . . . I brought my kids to the sentencing so they could hear me read my victim's impact statement and see this man who killed their dad. I don't think we have any hatred toward him. It is good to know who did it and that he is off the streets. What a waste of his life, too!" (p. 59) Sherri Brunsvold

"In 1992 I was kidnapped by a man I didn't know, raped, beaten badly, and left to die in a remote wilderness area. . . . The deposition taken during the court proceedings was the most horrible experience I have ever had Then, at another hearing, the offender escaped! . . . my husband's business partner caught him." (p. 64) Susan Russell

"I will never have full justice in my {1992} case. Full justice would have been a conviction. But making sure that some other people are going to be safe is justice for me. I worked to enforce stiffer penalties for stalking, because that was the cause of my wife's death. Maryland did pass the bill, and now there's an interstate stalking bill that was signed by the President. I was invited to the White House to witness the signing. So there is justice." (p. 70) Ricardo Wiggs

"But since the arrests last month . . . The hardest thing now is that we're not in control of our lives at all. We're waiting for the next step, the next phone call, and being told where we need to be. My feeling is that if a day goes by and they have something going on and I'm not there, anything could go wrong. So we can't plan anything. We're selling our ranch . . . because I can't be there to take care of my stock and make a living like I did before. We've got to put our lives on hold until this thing is over so we can be at the District Attorney's beck and call, because I'm going to be there." (p. 32) Robert Ayres

"My mother was raped and murdered in her home in 1990. The investigation was mishandled, and the primary suspect became my father. My father had been a stroke victim 28 months before the murder and couldn't walk or stand without a walker! When we tried to help defend him, we became part of the investigation. When I asked to be my father's official representative, they threatened me with obstruction of justice. . . . we were being lied to by officials . . . incompetence, {and} the right hand didn't know what the left hand was doing. . . . The crime was solved fairly recently because of my tenacity and assistance of the victim services director. I finally convinced the right people to go back and perform the investigation the way it should have been done." (p. 82-84) Vincent Torres

"There was never a trial. Within two days the police narrowed the range of suspects to just her {the speaker's sister, who was murdered} husband. He had purchased a revolver about six months before she was killed and had taken out four insurance policies on her life. But the district attorney was reluctant to bring the case to trial because he feared it would be lost." (p. 78) Joseph P. Baratta

"Gerald {the speaker's son} spent the last five years of his life languishing in prison for a crime he was not guilty of. . . finally his conviction was overturned. . . The prosecutor had an opportunity to appeal and {Gerald} was granted bail. But we couldn't afford to get him out. Then he was murdered. . . We're forgiving the frightened young girl, the only witness. She came forward {after Gerald's trial} and said she had lied. But we're having a problem forgiving the judge and the system. . . There was the judge who sent our son to prison for life on the goofy testimony of a frightened young girl. That judge is now the District Attorney. She was running for D.A. when Gerald's case came up, so our son was a political casualty. He was someone to stomp on on her way to some other office, to show everybody how tough she was. And the prosecutor knew how to make us cry when he wanted to. The judge and the prosecuting attorney did not care about us. They just wanted a win." (pp. 112-13) Conrad Moore

"A few years after my sister's murder I joined the police force. I know now that doing that was part of my escape. I took on a mission to try to block my pain. . . I didn't look at my feelings until 13 years later. In 1991 I found out that this {murderer} had been released on parole and I had not been notified. He was in a half-way house in the area that I policed! That upset me. What would have happened if I had seen him or had to pick him up? What would I have done? I carry a gun! My fear of my level of rage was a trigger for me to do something about myself. I had watched other police officers deal with the constant in-your-face violence, and had seen them lose it and beat on offenders." (p. 48) Kim Muzyka

"I work in victim services in the district attorney's office. The day after my brother was murdered, I came to work and on my desk was a file with his name on it. The ironic thing is that I wasn't even notified of my brother's murder trial, because everyone assumed that I would know since I'm in the homicide unit." (p. 90) Leland Kent

"I'm a district judge and had just been sworn in for another term {her son had just been shot and killed}. I made the decision that I was going to complete my term because that's what I needed and what my son would have wanted me to do. . . The offender who shot my son got a life sentence. I felt the system worked and justice was given, but there's still loss on each side. It's unfortunate because two lives were taken-the life of the 14-year-old who shot my son, and my son's life." (p. 44) Louise Williams

"My son had been incarcerated in the county jail on a drug charge. One day my assistant came into my office and said: 'Your son is in the reception unit here.' . . Since I'm the superintendent of this prison, I said [to his son] 'You know I can't keep you here' and I made the arrangements to send him back to the county jail. . . He was killed there in an argument over a robe that I had purchased for him." (p. 16) Donald Vaughn

SB185, which would replace Montana's death penalty with a sentence of life without possibility of parole, makes possible a measure of peace and understanding for victim/survivors that executions would render impossible. A portion of victim/survivors of murder or other horrific crimes eventually want to talk to the person who murdered their loved one. Execution eliminates that chance forever.

"In 1993, largely due to the efforts of Texans who had been victimized by violent crime, Texas became the first U. S. state to establish state-supported mediated dialogue service for victims of serious and violent crime who wished to meet with the offender who had harmed them or their loved one. The Texas Victim Offender Mediation/Dialogue (VOM/D) program . . . is a component of the Victim Services Division of the Texas Department of Criminal Justice." (p. 351) of 'Wounds that do not Bind: Victim-Based Perspectives on the Death Penalty' (2006) J. P. Acker and D. R. Karp, editors. All quotations are from chapter 18.

With guidance and full participation of VOM/D, four victim/survivors who requested to talk to 'their' offender were able to do so. They said (p. 367) of these meetings:

"When I walked out {after talking for about 5-6 hours with her grandmother's murderer}, it was like this load, some type of energy kind of was lifted out of me, and I was also exhausted." Kelly Cartwright

"I felt a sense of relief" {after the meeting}. Rachel Hollister, whose sister was murdered.

"There just aren't any words that would adequately express what I feel. I feel human for the first time in twelve years." Ellen Smithson, whose daughter Gayle was murdered.

"I was pretty much numb. I felt more relief the next day. It {the meeting with her son's murderer} was so healing." Edwina Holmes

These meetings, the first of their kind done by Texas VOM/D, also were praised by the death row murderers who participated – see pp. 368 and 370. Paul Marshall, murderer, met with Edwina Holmes. She said afterward: "And he asked me if I would do everything I could to try to get those out {sermons that Marshall had been writing and posting after his conversion to Christianity}, especially to young people who might be persuaded to avoid the road he took and try to deter some of the violent crime that's going on. And I told him that I would do everything I could." (p. 371)

All four victim/survivors said (pp. 368-68) their meetings were positive experiences:

"Before, he was just a murderer . . . After, he was a human being." Kelly Cartwright

"I saw him as a person and not just the man who murdered my daughter." Ellen Smithson

"I think I have more compassion . . . more of an understanding." Edwina Holmes

"I pictured him as just an animal, but after meeting with him, it was just hard to." " . . . he is a person, but he's not a person who needs to be returned to society." Rachel Hollister

Bob Filipovich 927 8th Ave. Helena, MT 59601 449 6039 bob.filipovich@live.com Feb. 4, 2011